UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,058	12/30/2003	Vladimir Savchenko	6570P062	9106

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
HIGA, BRENDAN Y

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
04/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2003*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.
       4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-34* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
       a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____ .
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
       * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
       Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413)
       Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

This communication is in response to the application filed on December 30, 2003.

Claims 1-34 are pending.

Priority

No claim for priority has been made in this application.

The effective filing date for the subject matter defined in the pending claims in this

application is December 30, 2003.

Drawings

The Examiner contends that the drawings submitted on December 30, 2003 are

acceptable for examination proceedings.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-27 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

The invention as claimed is directed to a 'system', comprising a 'means for

receiving' and a 'means for deploying', however, based on the applicant's specification,

see page, 29, ¶0057 (*"The methods to be performed by a computing device (e.g., an application server) may constitute state machines or* <u>*computer programs made up of computer-executable instructions*</u>*" (emphasis added)*) one of ordinary skill in the art could reasonable interpret the applicant's system comprising a 'means for receiving' and a 'means for deploying', as software per se.

Therefore, since, the system is not embodied in a computer readable storage medium and all of the elements can be interpreted by one of ordinary skill as being software per se, the invention is rejected under 35 U.S.C 101, as being directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhard (US 2003/033369), in further view of Sharma et al. (US 7,159,224), hereafter Sharma.

As per claim 1, Bernhard teaches receiving at an application server (see ¶0005 "the

user copies the archive into the application server environment"), a Web service archive

(WAR, Web Application Archive).

Berhnard does not expressly teach the Web service archive (WAR) including a Web

service implementation, and a Web service deployment descriptor to describe a

configuration of the Web service implementation on the application server; and

deploying a Web service to a container on the application server based, at least in part,

on the received Web service archive.

However, in the same art of web services, Sharma teaches a service developer

constructing a Web service archive (WAR file) including a Web service implementation

(WSDL document, see col. 14, lines 13-25), and a Web service deployment descriptor

to describe a configuration of the Web service implementation on the application server

(see col. 14, lines 26-37); and deploying a Web service to a container (Fig. 1, ref. 118)

on the application server (Fig. 1, ref. 110) based, at least in part, on the Web service

archive (see col. 3, lines 51-54, *"The deployer mechanism may add the servlet class to*

the archive file and deploy the modified archive file, thus the defined service endpoint,

to a container operating in the computing system")

One of skill in the art would have been motivated to modify the Web Application Archive

of Bernhard's invention, with the Web Application Archive, of Sharma's invention, the

modification for doing so, would have been to provide web-based services compatible

with the Java programming language (see col. 2, lines 19-23).

As per claim 2, Bernhard in view of Sharma, further teaches wherein the web service archive further includes a virtual interface (Sharma, "service endpoint interface", read as abstract software interface (i.e. virtual interface) see also col. 12, lines 45-60 and col. 14, lines 13-21, wherein one or more service endpoint interfaces are packaged into the archive WAR file) to provide an operation of the Web service implementation and a Web service definition to specify a behavior of the virtual interface (Sharma, see col. 14, line 26 – col. 15, line 2, wherein the deployment description then defines how the components included in the packaged WAR file are used, read as behaviors).

As per claim 3, Bernhard in view of Sharma further teaches wherein the Web service deployment descriptor comprises: a Web service deployment descriptor to specify a configuration of the Web service definition (see Sharma, col. 14, lines 26-37).

As per claim 4, Bernhard in view of Sharma further teaches registering the deployed Web service with a registry on the application server (see Sharma, UDDI registry, see col. 22, lines 9-22).

As per claim 5, Bernhard in view of Sharma further teaches wherein registering the deployed Web service comprises: automatically registering the deployed Web service with a Java Naming and Directory Interface of the application server (see Sharma, JDNI namespace, see col. 22, lines 9-22).

As per claim 6, Bernhard in view of Sharma further teaches deploying the Web service to the container on the application server comprises: deploying the Web service to a Web services container on the application server (see Sharma, "deploying on a container", see abstract).

As per claims 7 and 8, Bernhard in view of Sharma further teaches wherein the dedicated implementation is an Enterprise Java Bean (EJB) container (see Sharma, "including Enterprise Java Beans (EJB) and Web containers", see col. 6, lines 4-9).

As per claim 9, Bernhard in view of Sharma further teaches wherein the dedicated implementation is a servlet container (see Sharma, servlet container-based web service, see col. 1, lines 20-24).

As per claim 19-20, Berhard in view of Sharma further teaches wherein the application server is a Java 2 Enterprise Edition (J2EE) web application server (see Sharma 'J2EE', see col. 5, line 29).

Claims 10-18 and 21-34 are rejected under the same rationale as claims 1-9 since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-

5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

BYH